REMARKS

In light of the above amendatory matter and remarks to follow, reconsideration and allowance of this application are respectfully solicited.

In the Office Action under reply, the Examiner noted that the subject matter of claim 2 is not taught by the prior art. Claim 2 would be allowed if rewritten in independent form.

Applicants do not disclaim or surrender their original claims. While not conceding that, absent the subject matter of claim 2, independent claims 1, 8, 9 and 10 do not define patentable subject matter, in the interest of expediting the prosecution of this application to its successful conclusion, the subject matter of claim 2 is added to claim 1, thereby effectively rewriting claim 2 in independent form. Thus, claim 1, as amended, is in condition for allowance.

Claim 9 is directed to the method performed by the apparatus of claim 1. By this amendment, the subject matter of claim 2 is added to claim 9, thereby resulting in the allowance of claim 9.

Claim 8 is amended in a manner similar to, but not identical to, the amendment made to claim 1. Thus, consistent with the feature of claim 2 that the Examiner found differs from the prior art, claim 8 is amended to incorporate the feature of having the recording position of each pack unit precede the reproduction reference by adding a predetermined preceding amount to the processing reference. With this amendment, claim 8 is in condition for allowance.
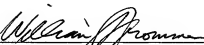
Claim 10 is directed to the method performed by the apparatus of claim 8. By this amendment, the subject matter that was added to claim 8 likewise is added to claim 10, thereby resulting in the allowance of claim 10.

Claim 2 is canceled as being redundant, and the dependency of claims 3 and 7 is corrected.

Claims 1 and 3-10 remain in this application and are in condition for allowance.

Accordingly, early notice to this effect is respectfully requested.

Respectfully submitted,

FROMMER, LAWRENCE & HAUG LLP
Attorneys for Appellants

By _____
   William S. Frommer
   Registration No. 25,506
   (212) 588-0800